

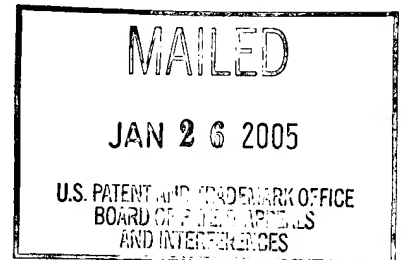
The opinion in support of the decision being entered today was not written for publication in a law journal and is not binding precedent of the Board.

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

Ex parte HITOO NISHINO,  
KUNIO TORII, and  
HISAYUKI UNEYAMA

Appeal No. 2004-1745  
Application 09/556,701



ORDER DISMISSING APPEAL

Before HARKCOM, Acting Chief Administrative Patent Judge, and  
WILLIAM F. SMITH and JEFFREY V. NASE, Administrative Patent Judges.

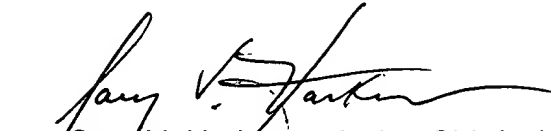

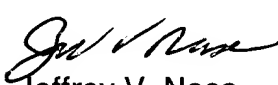
Per curiam.

On December 28, 2004, counsel for the appellants filed, among other documents, a Request for Continued Examination (RCE) under 37 CFR § 1.114. Pursuant to the notice entitled "Request for Continued Examination Practice and Changes to Provisional Application Practice," 65 Fed. Reg. 50092, 50095 (Aug. 16, 2000), and the provisions of 37 CFR § 1.114(d), a request for continued examination under 37 CFR § 1.114 filed after appeal has been taken, but prior to a decision on the appeal, "will be treated as a request to withdraw the appeal and to reopen prosecution of the application before the examiner."

Accordingly, the appeal in this application is dismissed.

Appeal No. 2004-1745  
Application 09/556,701

The application is being returned to the examiner for further action as may be appropriate.

  
Gary V. Harkcom, Acting Chief  
Administrative Patent Judge )  
  
William F. Smith )  
Administrative Patent Judge )  
  
Jeffrey V. Nase )  
Administrative Patent Judge )

BOARD OF PATENT  
APPEALS AND  
INTERFERENCES

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